

**MINUTES OF THE MEETING OF THE PLANNING BOARD OF
THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM,
VILLAGE HALL, ON WEDNESDAY, DECEMBER 4, 2002**

Members Present: Peter Lilienfield, Chairman
William Hoffman
Jay Jenkins, Acting Secretary

Members Absent: Carolyn Burnett
Walter Montgomery

Also Present: Lino Sciarretta, Village Counsel
Brenda Livingston & Joseph Elliot, Ad Hoc Planning Board
Members
Edward P. Marron, Building Inspector
Florence Costello, Planning Board Clerk
Marybeth Dooley, Environmental Conservation Board
Applicants and other persons mentioned in these Minutes.

IPB Matters

94-03 – Westwood Development Associates, Inc.
Sht. 10, P25J2,25K2, Sht. 10C,B1.226, Lots 25A,26A
Sht. 11, P-25J

01-26 – Danfor Realty – Harriman Road
Sht. 13B, P-5, P-5C

02-11 – Geraldine McGowan Hall
Sht. 11, P-7J

02-26 – Michael-Jason Development Corp.
Sht. 7B, Bl. 249, P-77C

02-42 – Jason & Susan Barnett
Sht. 8, Bl. 220, Lot 1

02-44 – Westwood Development Associates
Lot 4

02-46 – Joseph DeNardo
Sht. 15, P-123A

02-49 – Joseph & Denise Ciccio
Sht. 10C, Bl. 226, Lot 55B

02-50 – Eric & Beatrice Goldsmith
Sht. 12A, P-91D, 91C

02-51 – Pam Coren
Sht. 10G, Lot 87

02-52 – Salvatore & Antonietta DeNardo
Sht. 10B, Bl. 229, Lot 54

02-53 – Donna Hess
Sht. 13C, P-34

02-54 – Claire Fishman

Sht. 7C, Bl. 250, Lot 18B
02-55 – Stephen & Renee Petro
Sht. 10B, Bl. 230, Lot 26, 26B
02-56 – Neil Johnson (Informal)
Sht. 12A, P-110

The Chairman called the meeting to order at 8:00 p.m.

Administrative:

With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the Agenda were current as to taxes and fees. Further, unless otherwise noted, the Applicants submitted evidence of notice to Affected Property Owners.

IPB Matter #94-03:

Application of Westwood Development Associates, Inc. for Final Subdivision Approval and Limited Site Development Plan Approval for property at Broadway, Riverview Road and Mountain Road – Phase I (Tract A).

Mr. Pat Steinschneider appeared for the Applicant. He reported to the Board that the Applicant is waiting for the easements to be signed by the Village, subsequent to which the Plat can be signed by the Chairman and the Secretary. Village Counsel indicated that he is awaiting evidence of the filing of the transfer of land with Augusto. There was no further action taken by the Board on this Application.

IPB Matter #02-44:

Informal Application of Westwood Development Associates for Site Development Plan Approval for property at Lot 4 of the Westwood Subdivision.

Mr. Pat Steinschneider appeared for the Applicant and reported that the Applicant is scheduled to appear before the Zoning Board of Appeals with regard to variances requested for Lot 4 of Tract A.

IPB Matter #02-51:

Application of Pam Coren for Site Development Plan Approval for property at 87 Greenway Drive.

Pam Coren appeared as the Applicant for approval of a proposed addition to a home in Fieldpoint. The proposed addition includes an expansion of a porch and

construction of a deck. The Applicant submitted plans entitled Proposed One Story Addition, 87 Greenway Drive, dated October 16, 2002, by Ambrosio Design Group, two (2) sheets, and evidence of an appropriate variance from the Zoning Board Appeals (ZBA #2002-33).

Mr. Mastromonaco had no engineering concerns, and there were no comments from the public. The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. The Board then determined that the application is for a proposed action which is a Type II action under SEQRA.

After discussion, on motion duly made seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan approval for this Application.

IPB Matter #02-53:

Application of Donna Hess for Site Development Plan Approval for property at 24 Ilinka Lane.

Bruce Levy, architect, appeared for the Applicant. The Application relates to the proposed addition of a sunroom to an existing kitchen, increasing the footprint by approximately 300 square feet. Plans entitled New Kitchen Addition, Hess Residence by BJLA Architects and Planners dated November 7, 2002, three (3) sheets were submitted. The Applicant presented evidence of an appropriate variance from the Zoning Board of Appeals (ZBA #2002-28) and explained that no trees are to be removed and there will be no effect on the adjacent pond.

Mr. Mastromonaco had no engineering concerns and there were no comments from the public. The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There

were no comments from the public. The Board then determined that the application is for a proposed action which is a Type II action under SEQRA.

After discussion, on motion duly made seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan approval for this Application.

IPB Matter #02-54:

**Application of Claire Fishman for Site
Development Plan Approval for property at
57 Jaffray Court.**

Christina Griffin, architect, appeared for the Applicant. The Application relates to two proposed one-story extension, one to extend a dining room and one to extend a sun room, resulting in an aggregate increase to the footprint of 299 square feet. Plans submitted were: Renovations and Extensions to the Fishman Residence last revised November 20, 2002 by Christina Griffin, AIA, four (4) sheets. The Applicant presented appropriate evidence of a variance from the Zoning Board of Appeals (ZBA #2002-27).

Mr. Mastromonaco had no engineering concerns and there were no comments from the public. The Building Inspector noted that plans had been modified and now indicated appropriate drainage and erosion control.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the public. The Board then determined that the application is for a proposed action which is a Type II action under SEQRA.

After discussion, on motion duly made seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan approval for this Application.

IPB Matter #02-55:

Application of Stephen & Renee Petro for Site Development Plan Approval for property at 87 Center Street.

Christina Griffin, architect, appeared for the Applicant. The Application relates to a proposed two-story extension and deck addition, which will increase the footprint by approximately 462 square feet. The addition relates to a kitchen and dining area. The Applicant described the measures to be undertaken to mitigate tree damage, which consisted of using piers to support the addition; the Building Inspector noted that there may be issues with such piers, and suggested the Applicant contact him to discuss. Plans entitled Renovations and Extensions to the Petro Residence last revised November 18, 2002, by Christina Griffin, AIA, seven (7) sheets were submitted.

There were no comments from the public. Mr. Mastromonaco noted that the Applicant should clarify coverage calculations, and the Building Inspector noted that the coverage increases by more than 15%. The Board indicated that the Application was otherwise complete, and set a public hearing on this Application for January 8, 2003.

IPB Matter #02-50:

Application of Eric & Beatrice Goldsmith for an Amendment to Site Development Plan Approval for property at 63 Havemeyer Road.

Michael Esmay, architect, and Eric Goldsmith, applicant, appeared before the Board. The Application is for an amendment to a previously approved site plan approval (IPB Matter #01-24). The amendment is necessary because the as-built survey prepared after commencement of the foundation revealed that the existing house was sited

differently than indicated on the survey that had been submitted to the Board at the time of the initial site development plan application. Plan entitled Additions and Alterations to the Goldsmith Residence last revised November 20, 2002, by Michael Esmay (1 sheet) was submitted.

The Board reviewed the discrepancies between the two surveys. The Board's main planning issue was the whether cars parked in front of the garage would extend onto the driveway that serves abutting properties. The Applicant recognized this issue, but indicated that the 15 feet provide was the same as indicated in the initial plan approved by the Planning Board; in light of this, the Board subsequently concluded that the change was not material for planning purposes.

Mr. Michael Reilly, counsel to Mr. & Mrs. Mullen, neighbors of the subject property requested that the Board adjourn this matter pending further review. However the Board concluded that there has been no material change to the previously approved plan and that an adjournment would be inappropriate.

Village Counsel noted that the variance granted by the ZBA made reference to the specific plan submitted, and not the dimensions of the variance; therefore the Applicant will need to go back to the ZBA with regard to receiving an amendment to the variance.

The Building Inspector noted that the issuance of any Certificate of Occupancy will be dependent upon the provision of a 15 foot area between the building and the drive; the Applicant confirmed he understood this condition. The Board approved the amended application subject to appropriate action by the Zoning Board of Appeals.

IPB Matter #02-11:

**Application of Geraldine McGowan-Hall for
Site Development Plan Approval for property
At 200 Mountain Road.**

Wayne Timonen, of Timonen Design, and Dr. Henry Hall appeared for the Application. The purpose of the appearance was to discuss informally the status of the application. The Applicant reported that the Environmental Conservation Board has approved the Applicant's plan for mitigation and remediation of the damage to the site, as Marybeth Dooley of the ECB agreed. The Applicant reported that his engineer and the County Health Department have agreed that the proposed septic system is adequate. The Building Inspector and the Board indicated that a letter from the County documenting such approval would be required.

The Board noted that the Applicant would need to provide notice to affected property owners of the application, and submit a complete application with full drainage and other drawings for the Board to begin consideration of the Application at the January 8, 2003 meeting.

IPB Matter #02-49:

**Application of Joseph & Denise Ciccio for an
Amendment to Site Development Plan Approval
for property at Riverview Road.**

Craig Studer, Landscape Architect, appeared for the Applicant. The application relates to an amendment to a previously approved plan (IPB Matter #2001-16) to reflect certain field changes, including certain modified elevation and grading, additional fill and drainage plans. Plans entitled Ciccio Residence prepared by Studer Design Associates, last revised November 20, 2002 four (4) sheets were submitted.

In response to questions from the Board, the Applicant suggested that the field changes will also accommodate the property immediately to the north (Kennedy). Paul Petretti, civil engineer and land surveyor, representing the Kennedy interests, indicated that the contemplated changes as proposed in the current application were acceptable. Discussion focused on drainage, location of the driveway(s), and landscaping.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the public or from Mr. Mastromonaco. The Board then determined that the application is for a proposed action which is a Type II action under SEQRA.

After discussion, on motion duly made seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan approval for this Application.

IPB Matter #02-26:

**Application of Michael-Jason Development
Corp. for Site Development Plan Approval for
property at 4 Dows Lane.**

Paul Petretti, civil engineer and land surveyor, and Norman Sheer, Esq., appeared for the Applicant. The Application relates to the proposed demolition of an existing residence and construction of a new single-family home. The Applicant presented new drawings (plans entitled Grading, Drainage, Erosion, Site & Utility Plan prepared for 4 Dows Lane by Paul J. Petretti, dated November 15, 2002 revised November 20, 2002, two (2) sheets) of the proposed home and an arborist report (letter from David R. Hayner, Registered Consulting Arborist, dated November 13, 2002).

The Applicant indicated that a letter had been received from the Department of Public Works discussing how the subject could be connected to the public sewer in El Retiro Lane (letter from Donald J. Casadone, Asst. Supt. Public Works, dated November 19, 2002). Mr. Casadone's letter indicated that sufficient capacity exists to accommodate the new house connection, and recommended the installation of a new manhole between the two existing ones in El Retiro. The Applicant agreed to install the manhole, as well as paving El Retiro from the terminal manhole south to Dows Lane. The Chairman noted that the location of the garage as an accessory structure would necessitate a variance. The construction entrance to the site was proposed to protect the walls and piers at the main entrance.

Barbara Denyer acknowledged that the Applicant has responded satisfactorily to concerns raised by neighbors. The Board indicated that the Applicant would need to submit a full set of architectural drawing, with coverage calculations, address Mr. Mastromonaco's concerns about drainage, address the garage, and clarify the proposed removal of trees. This matter was carried over to the January 8, 2003 meeting.

IPB Matter #02-52:

**Application of Salvatore & Antonietta DeNardo
for Subdivision approval for
property at 92 East Sunnyside Lane.**

Paul Petretti, civil engineer and land surveyor, appeared for the Applicant. The Application relates to development of a parcel for which the Board previously established a site capacity of 3 dwelling units and granted site development approval that resulted in the construction of a two family structure (see IPB #01-35). Plans entitled Resubdivision of Lot 29, Lander Hudson Park by Paul Petretti, P.E. dated September 24, 2002 one (1) sheet, Resubdivision of Lot 29, Lander Hudson Park by Paul Petretti, P.E. dated April 2, 2001 one (1) sheet, Site & Utility Plan, last revised 9/27/02, Grading, Drainage, Steep Slope & Tree Preservation Plan, last revised 9/27/02, and Section & Details, last revised 10/4/02, prepared by Paul J. Petretti, P.E. were submitted.

The Applicant desires to subdivide the lot in anticipation of building a second structure; the layout of the subdivision, however, would be dependent upon whether the second structure would be a one family or a two family residence. The Applicant indicated that their preference would be a two family residence, but this would require a variance from the Zoning Board with regard to site capacity.

The Board explained that it cannot entertain two different applications on a subject at the same time. The Applicant indicated it would apply for the variance from the Zoning Board of Appeals to permit the construction of two two-family dwellings and then reappear before the Planning Board. No action was taken by the Board.

IPB Matter #01-26:

**Application of Danfor Realty for Subdivision
Approval for property adjoining Harriman
Road.**

Mr. Paul Petretti appeared for the Applicant regarding this proposed development on Harriman Road. Mr. Petretti submitted an Arborist Report David R. Hayner, Registered Consulting Arborist, dated November 13, 2002, five (5) pages), and explained that he has offered to give to the Brennans, an affected property owner on Shady Lane, in fee, a 30 ft. strip of land to ameliorate some objections. The Board indicated it would need to consider how the transfer of such property might affect the existing Right of Way, the means by which such transfer would take place, limitations, and the effect of the transfer on the Brennans' property.

Mr. Petretti discussed the proposed widening of Shady Lane and the likelihood of tree removal to accommodate the widened road. The Board instructed the Applicant (i) to provide more detailed drawings, (ii) to submit a schedule of construction, including provision for temporary access routes, (iii) to send new notices to neighbors, and (iv) to submit more consideration of tree removal.

This matter was carried over to the January meeting. Village Counsel agreed to follow up with regard to the Village's interest in the wetlands located on the property at the corner of Harriman and Park.

IPB Matter #02-56:

**Application of Neil Johnson for an Informal
Discussion for property at 65 Field Terrace.**

The Board held an informal discussion with Neil Johnson, Norman Sheer, Esq. and Tom Harty regarding the proposed transfer of a portion of property owned by Johnson to Harty. The sense of the Board is that the proposed transaction does not create a new building lot but can be treated as a lot line adjustment. Mr. Sheer and Village Counsel will discuss whether action by the Board is necessary and, if so, an application will be made at the January 8, 2002 meeting.

IPB Matter #02-42:

**Application of Jason & Susan Barnett for Site
Development Plan Approval for property at
48 Ardsley Avenue West.**

No one appeared for the Application; given that this is the second meeting in a row with no appearance, the Application was removed from the Agenda.

IPB Matter #02-46:

**Application of Joseph DeNardo for Site
Development Plan Approval for property at
7 Roland Road.**

There was no appearance on this matter; it was carried over to the January meeting.

The Board then considered the following administrative matters:

- The next regular meeting of the Planning Board was scheduled for January 8, 2003.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Jay Jenkins, Acting Secretary